

Notice of Allowability

Application No.

10/643,836

Examiner

Chih-Min Kam

Applicant(s)

DUMAS MILNE EDWARDS ET AL.

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Status of the Claims

1. Claims 1-16 are pending.

Applicants' amendment and response filed December 18, 2006 is acknowledged.

Applicant's response has been fully considered. Claims 1, 3, 9 and 11 have been amended, and claims 17-26 have been cancelled. Therefore, claims 1-16 are examined.

Withdrawn Claim Rejections - 35 USC § 101 & 112, first paragraph

2. The previous rejection of claims 1-26 under 35 U. S. C. 101, regarding the claimed invention not supported by either a specific and substantial asserted utility or a well established utility, is withdrawn in view of applicants' amendment to the claims, applicants' cancellation of the claims, and applicants' response at pages 5-7 in the amendment filed December 18, 2006.

Withdrawn Claim Rejections - 35 USC § 112

3. The previous rejection of claims 1-3, 5, 7, 9-11, 13, 15 and 17-26 under 35 U. S. C. 112, first paragraph, written description, is withdrawn in view of applicants' amendment to the claims, applicants' cancellation of the claims, and applicants' response at pages 5-7 in the amendment filed December 18, 2006.

Examiner's Amendment

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Eisenschenk on March 8, 2007.

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Examiner's Amendment to the Specification:

Please replace the paragraph at page 1, lines 3-6 with the following paragraph:

The present application is a divisional of U.S. Application Serial No. 09/731,872, filed December 7, 2000, now abandoned, which claims benefit, under 35 USC § 119(e), to the US Provisional Patent Applications Serial Nos. 60/169,629 and 60/187,470 filed December 8, 1999, and March 6, 2000, respectively, the disclosures of which are incorporated herein by reference in their entireties.

Examiner's Amendment to the Claims:

Claims 1 and 9 have been amended as follows:

1. (Currently amended) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO: 297 or the amino acid sequence of the polypeptide having the internal designation of 181-3-3-0-C9-CS as encoded by a human cDNA in ATCC accession number PTA-1218.

9. (Currently amended) A composition comprising an isolated polypeptide comprising the amino acid sequence of SEQ ID NO: 297 or the amino acid sequence of the polypeptide having the internal designation of 181-3-3-0-C9-CS as encoded by a human cDNA in ATCC accession number PTA-1218.

The following is an Examiner's Statement of Reasons for Allowance: The following reference is related to the claimed invention. Kedra *et al.* (Human Genetics 103, 131-141 (1998)) disclose characterization of human synaptogyrin gene family proteins including human SYNGR1a, SYNGR1b, SYNGR1c, SYNGR2 and SYNGR3 (partial); mouse Syng1b and Syng2; and rat RSYNGR1a, and the synaptogyrin proteins contain four conserved transmembrane domains in a central conserved domain (residues 34-161) and C-terminal polypeptide ends are variable in length, display a low degree of sequence similarity between family members and are likely to convey the functional specificity of each protein. The polypeptide of SEQ ID NO:297 (132 amino acid residues) of instant application is identical to synaptogyrin 1 up to amino acid residue 112 (having the same N-terminal domain (1-16 residues); 2 of 4 transmembrane helices; and a portion of the central conserved region in the synaptogyrin protein) and a C-terminal domain of 20 amino acids, which is different from other synaptogyrin proteins. Furthermore, in the Appendix I, filed March 22, 2006, applicants have

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shown that the known members of the synaptogyrin family do not exhibit a conserved number of transmembrane helices (i.e., 4 transmembrane domains) in the central conserved region. Thus, the polypeptide of SEQ ID NO:297 is a splice variant of synaptogyrin 1 and has a well established utility. Therefore, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Bragdon can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Min Kam, Ph. D.
Primary Patent Examiner



CHIH-MIN KAM
PRIMARY EXAMINER

CMK

March 8, 2007